

## **REMARKS**

Favorable reconsideration of this application in view of the foregoing amendments and remarks to follow is respectfully requested.

Claims 1-31 are pending in this application. Claims 1-31 remain pending hereafter, where Claims 1, 12, 16 and 29-31 are independent claims. Claims 1, 12, 16 and 29-31 are amended hereby. Reconsideration of this application, as amended, is respectfully requested.

### **Rejections Under 35 U.S.C. § 112, First and Second Paragraph.**

In the Office Action, the Examiner rejected Claims 20, 23, 26, and 29 under 35 U.S.C. § 112, First Paragraph, as failing to comply with the enablement requirement. Moreover, the Examiner has raised a 35 U.S.C § 112, Second Paragraph rejection to those same claims. At issue in both 112 rejections is the Examiner's finding that the specification is not enabling because the specification and rejected claims fail to describe how the motion sensor can discriminate between a person and a pet since a pet can have different sizes (a pet can be a big dog and a person can be a small child). In response, Applicant respectfully disagrees and submits the following comments.

With respect to both 112 rejections, Applicant submits that dependent Claims 20, 23, 26 and 29 are supported in the specification, see page 2, paragraph 0003. In the specification, Applicant explains that the present invention is an improvement over the prior art's *manual adjustment* method which required sending a trained technician to a residence to manually adjust the dual inline pole (DIP) switch in a security system to account for variations in the sensitivity to distinguish between a small and large pet. In contrast, the present invention allows remote

adjustment of its sensitivity as shown in FIG. 1 (reference character 125, 112 and double arrow indicating two-way communication) and discussed on page 6, paragraph [0022] of the specification.

Moreover, the present invention provides an example of its improvement over the prior art, as shown in FIG.7 and described in the specification on page 11, paragraph [0034]:

. . . display 710 indicates that a first motion has a sensitivity level of 5, e.g., on *a scale of one through ten* and that a second motion sensor is configured in a “pet immune on” mode which means that the sensitivity of the motion sensor 125 is reduced to avoid triggering an alarm when a pet is present (emphasis added).”

In other words, one skilled in the art would understand that the specification enables the features of Claim 20 in that they would understand that a user can adjust the sensitivity of the security system up or down due to the size of the pet at a user interface. Accordingly, the specification provides more than adequate disclosure, as indicated above, to allow one skilled in the art to make and use the present invention. Moreover, the present invention particularly pointing out and distinctly claiming “a sensitivity of the motion sensor is adjusted to exclude a pet when a signal is received” as recited in the rejected dependent claims

Accordingly, Applicant respectfully requests withdrawal of the ground of rejection.

#### **Rejections Under 35 U.S.C. § 103(a).**

In the Office Action, Claims 1-8 and 12-30 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Stanczak et al. (“Stanczak”) in view of Thacker et al. It is respectfully submitted that this rejection is overcome based on the amendments and remarks set forth herein.

Claim 1, as amended, is directed to an apparatus for adjusting the sensitivity of a motion detector comprising, *inter alia* a **transceiver** remote from the motion detector for transmitting a signal to **said motion detector in response to receiving a challenge signal from said motion detector**, . . . the signal adjusting the sensitivity of the motion detector.” Independent Claims 1, 2, 16 and 29-31 recite similar features. Support for this amendment is found in paragraph 0025 of the specification. No new matter was added.

In contrast, neither Stanczak alone or in combination with Thacker fail to suggest, teach or anticipate an apparatus for adjusting the sensitivity of a motion detector comprising, *inter alia* a **transceiver** remote from the motion detector for transmitting a signal to **said motion detector in response to receiving a challenge signal from said motion detector**, . . . the signal adjusting the sensitivity of the motion detector” as recited in the amended base Claims 1, 12, 16 and 29-31 as previously presented. Stanczak, discloses a **transmitter** utilizing “a control algorithm [for] determin[ing] that faster levels of motion are present (Col. 9, lines 13 – 18). There is no disclosure in Stanczak of “a **transceiver**, remote from the motion detector for transmitting a signal to **said motion detector in response to receiving a challenge signal from said motion detector**, . . . the signal adjusting the sensitivity of the motion detector” as recited in the attached proposed amendment to base Claim 1, 12, 16 and 29-31 as previously presented. Hence, Stanczak fails to teach or suggest every feature claimed in the base claims. Thacker, like Stanczak, also fails to disclose a transceiver but instead is directed to a hunting simulator utilizing a sound sensor which is incapable of “receiving a challenge signal from said motion detector” as recited in the base claims.

Accordingly, neither Stanczak alone or in combination with Thacker fail to suggest or teach the present invention. Applicant respectfully requests withdrawal of this ground of rejection.

With respect to the rejections to Claims 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Stanczak et al. (U.S. 5,903,217) in view of Thacker et al. (U.S. Pat. Pub. 2002/0173940) and Tendler (U.S. Pat. Pub. 2004/0100386), Applicant herein incorporates the arguments presented above with respect to the independent Claim 1 from which the Claims 9-11 depend. Tendler does not overcome the deficiencies of Stanczak and Thacker identified above. Therefore, Claims 9-11 are not obvious over Stanczak in view of Thacker and Tendler.

**Conclusion**

Based on the above, it is respectfully submitted that all of the claims pending in the application are allowable and a Notice of Allowance is respectfully solicited.

Respectfully submitted,



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